IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Crl.Rev.Pet.No. 4150 of 2007()

CC.172/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT, IRINJALAKUDA
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REVN. PETITIONER: COMPLAINANT

SURESH, S/O.KUTTIYIL VEETIL BALAN,
NADAVARAMBA DESOM, VELUKKARA VILLAGE, MUKUNDAPURAM TALUK. REP. BY POWER OF ATTORNEY HOLDER,
P.V.RAGHUNATH, PETTIKATTIL HOUSE, PANAMUKKU,
KANIMANGALAM, THRISSUR.

BY ADV. SRI.V.M.KRISHNAKUMAR
SMT.P.A.ANITHA

RESPONDENTS: ACCUSED AND STATE
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1. SIVARAMAN, S/O.PETTIKKATTU VEETTIL
IKKORAN, KONATHUKUNNU DESOM, VADAKKUMJARA VILLAGE, MUKUNDAPURAM TALUK.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.NAZAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl. R.P. NO. 4150 of 2007

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Dated: 21-11-2007

ORDER

The revision petitioner who was the complainant in C .C. No. 172 of 2007 on the file of the J.F.C.M., Irinjalakkuda, for an offence punishable under Sec. 138 of the Negotiable Instruments Act, 1881, involving a cheque for Rs. 10,000/- challenges the order dated 10-09-2007 dismissing the complaint under Sec. 204 (4) Cr.P.C. The reason stated for dismissal is the absence of the complainant and failure to represent him and also failure to take steps under Secs. 82 and 83 Cr.P.C.

2. According to the revision petitioner, the case was posted to 6-9-2007, but the counsel wrongly noted the date as 6-10-2007 resulting in failure to appear as well as failure to take steps. This appears to be a valid explanation for the omission to take steps and failure to appear.

3. Since the complaint was dismissed at a time when the accused had not entered appearance, notice to the first respondent/accused is dispensed with in this revision.

4. The impugned order is set aside and C.C. No. 172 of 2007

will stand restored to file. The petitioner shall appear before the court below without any further notice on 17-12-2007. The petitioner shall by then deposit the necessary process fee for taking steps under Sec. 82 and 83 Cr.P.C.

This Crl.R.P. is disposed of as above.

V. RAMKUMAR,

(JUDGE)

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